## JAMES W. RESPESS Attorney and Counselor at Law

## August 21, 2014

"Everyone who has achieved financial independence will tell you that at least in the early days you have to work smarter and harder. The price of success must be paid in full, and it must be paid in advance. There are no short cuts."

Office of Regulations and Interpretations Employee Benefits Security Administration Room N-5655 U.S. Department of Labor 200 Constitution Avenue N. W. Washington, D. C. 20210

RE: RIN 1210-AB59

I read your publication and I agree that the changes that you outline very much need to be made. There has been a great deal of publicity on the so Called Retirement Chris.

Some of that is the result of employees not understanding the options they have. Another cause is the aversion to the risk in the Stock Market. Most of the products that are available are market connected, such as Mutual Funds.

I have discussed with many employees that will not invest in the 401(k), 403(b) and 457 plans simply because they have no choice that is safe from the market volatility. Some of these persons lost from 40 to 50 percent of their investment in 2008-2009.

I have tried to get the Providers of some of these plans to add Annuities to the Choices. They all Resist giving various reasons, none of which make any sense. I surmise that the real reason is the fact that there are no fees to be made.

I suggest that two types of Annuities be added to the available choices for each Participant. The Variable Annuity and the Fixed Index Annuity. Then allow the Participant to choose.

James W. Respess, JD, RFC.

irespess@comcast.net